UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENGUIN GROUP (USA) INC., Plaintiff,	:	**No. 04-CV-6795 (RO)**
-against-	:	**ECF CASE**
THOMAS STEINBECK and BLAKE SMYLE, Defendants.	:	**NOTICE OF MOTION FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that upon the pleadings herein; the annexed Plaintiff's Statement Pursuant to Rule 56.1; the annexed declaration of Richard Dannay, as well as the accompanying exhibits referenced therein; the accompanying Memorandum of Law; and all prior proceedings had herein, Plaintiff Penguin Group (USA) Inc. hereby moves this Court, before the Honorable Richard Owen, at the United States Courthouse, 40 Centre Street, New York, New York, for an order, pursuant to Fed. R. Civ. P. 56, granting Plaintiff summary judgment invalidating, as a matter of law, defendants' termination notice under section 304(d) of the Copyright Act.

Dated: New York, New York
February 18, 2005

s/ Richard Dannay
Richard Dannay (RD-9407)
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